

Remarks

Reexamination and reconsideration of this application, as amended, is requested. Claims 1-20 remain in the application and claims 21-24 have been added.

A check in the amount of \$182.00 is enclosed which includes \$110.00 for the one month extension of time and \$72 for the addition of claims 21-24 (four claims in excess of twenty).

Support for Amendments

As indicated above, claims 1, 2, 6, 7, 9 and 10 have been amended to remove unnecessary language and claims 21-24 have been added. Support for the amendments is shown at least by the examples illustrated in FIG. 2(b) and described on page 5, line 14, through page 6, line 13 of Applicant's specification.

Applicant respectfully submits that no new matter has been added and the amendments made above do not create estoppel that limits the scope of the claims. Rather, the amendments made above are intended to make the claims broader.

Response to the 35 U.S.C. §112, First Paragraph, Rejection

The Office Action rejects claims 1-20 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. In particular, the Office Action stated that the specification does not support the claimed "wherein the first encoded pseudo-noise code corresponds to the value of a

signal to be transmitted." Applicant respectfully traverses this rejection in view of the remarks that follow.

Although the scope of the claimed invention is not limited in this respect, Applicant would like to kindly point out that page 5, lines 19-21, states "[t]he encoded pseudo-noise code is created by inverting one bit in a pseudo-noise code wherein the inverted bit of the pseudo-noise code corresponds to the value of the information signal being sent" (emphasis added). Although the scope of Applicant's invention is not limited in this respect, an example of how an encoded pseudo-noise code may correspond to the value of a signal to be transmitted is shown in Applicant's FIG. 2(b). For example, if the information to be transmitted is the number '5' (e.g., information signal 210), then the encoded pseudo noise code (e.g., encoded pseudo noise code 213) may also be the transmitted signal (e.g., transmitted signal 214). Thus, in this particular embodiment, the encoded pseudo-noise code may correspond to the value of the information being sent.

Accordingly, Applicant respectfully submits that at least this portion of Applicant's specification would convey to one skilled in the art that Applicant was in possession of the claimed invention. Thus, Applicant respectfully traverses this rejection.

Response to the 35 U.S.C. §102(b) Rejection

The Office Action also rejects claims 1-2, 8, and 11-15 under 35 U.S.C. §102(b) as being anticipated by Rosen (US 4,972,480). Applicant respectfully traverses this rejection in view of the remarks that follow.

As is well-established, in order to successfully assert a *prima facie* case of anticipation, the Examiner must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if

even one element or limitation is missing from the cited document, the Examiner has not succeeded in making a *prima facie* case.

Applicant begins with claim 1. Claim 1 specifically recites:

"A method comprising:

creating a first encoded pseudo-noise code, wherein the first encoded pseudo-noise code corresponds to a value of a signal to be transmitted; and

spreading a first signal by modulating the first signal with the first encoded pseudo-noise code."

It is respectfully asserted that, as one example, Rosen fails to meet either expressly or inherently the feature that the first encoded pseudo-noise code corresponds to a value of a signal to be transmitted.

Rosen discloses a holographic communications device that modulates a single frequency or a narrow bandwidth signal(s) (column 4, lines 23-30). The holographic communications device includes an encoder complex multiplexer (encoder) that is coupled to a pseudo noise generator. The encoder phase modulates complex signals by a pseudo random code signal that is produced by the pseudo noise generator (column 4, lines 39-68). Nevertheless, Rosen does not disclose or suggest encoding the pseudo random code signal based upon the value of the complex signals. Moreover, Rosen does not disclose or suggest such a pseudo random code signal corresponding to the value of a signal to be transmitted.

Accordingly, Rosen cannot anticipate Applicant's claim 1. Since claims 2 and 8 depend from independent claim 1, they are not anticipated by Rosen for at least the same reason. Additional arguments to distinguish the cited patent from claim 1

could have been made, but it is believed that the foregoing discussion is sufficient to overcome the Examiner's rejection.

With regard to claim 11, Applicant would like to point out that claim 11 recites, among other things, that "... the first encoded pseudo-noise code corresponding to a value of a signal to be transmitted." Thus, claim 11 is not anticipated by Rosen for the same or similar reason that claim 1 is not anticipated. Since claims 12-15 depend from claim 11, they are not anticipated for at least the same reason.

Response to the 35 U.S.C. §103(a) Rejection

The Office Action also rejects claims 3, 5-6, 9-10, 16 and 19-20 under 35 U.S.C. §103(a) as being unpatentable over Rosen. Applicant respectfully traverses this rejection in view of the remarks that follow.

It is well established that obviousness requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Applicant respectfully submits that Rosen does not meet the requirements of an obvious rejection. Claims 3, 5-6, 9-10, 16 and 19-20 depend from either claim 1 or 11. As shown above, Rosen cannot anticipate either of these claims. Consequently, Rosen cannot make the dependent claims obvious for at least this reason.



PATENT APPLICATION

042390.P5113

Conclusion

The foregoing is submitted as a full and complete response to the Office Action mailed December 28, 1999, and it is submitted that claims 1-24 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of amended claims 1-24 is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 554-9732 is respectfully solicited.

Respectfully submitted,

David Horne

A handwritten signature in black ink that reads "Kenneth M. Seddon".

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